

UNITED STATES DISTRICT COURT
For the
DISTRICT OF RHODE ISLAND

NATIONAL LIABILITY & FIRE INSURANCE
CO. and BOAT OWNERS ASSOCIATION OF
OF THE UNITED STATES
Plaintiffs

V.

NATHAN CARMAN
Defendant.

Civil Action:
No: 17-cv-0038-S-PAS

In Admiralty

DEFENDANT'S MOTION FOR A NEW TRIAL

Now comes the Defendant and pursuant to F.R.Civ.P. 59 respectfully request that this Honorable Court grant a new trial in this bifurcated trial.

As grounds thereof the Defendant states as follows:

1. Exhibits 25.3, Exhibits 32.33 & 32.34 (The alleged Policy and related e-mail

At trial this Court improperly admitted into evidence, over the objection of the Defendant, Plaintiff's Exhibit 25.3 without laying a sufficient foundation pursuant to the Federal Rules of Evidence for the admission of this document. In addition to improperly admitting Exhibit 25.3 the Court improperly admitted exhibits 32.34 and 32.33. These documents were admitted through the testimony of Mr. Pellerin who admitted that he had no personal knowledge of these documents and was not the custodian of the record. The Court overruled Defendant's objections to these documents without any explanation or basis within the Federal Rules of Evidence. The improper admission of Exhibit 25.3 was highly prejudicial as the Court relied

(almost exclusively) upon Exhibit 25.3, specifically what the Court referred to as “Exclusion D” as the basis of its Judgement in favor of the Plaintiff’s.

2. Admission of Evidence Not Produced During Discovery

At trial the Court improperly admitted evidence which should have been excluded pursuant Defendant’s Motion to Exclude Pursuant to Rule 37(c) including Plaintiff’s Exhibit 25.3 discussed above.

3. Court Failure to Consider Defendant’s Counterclaim Counts II, III and IV

At trial the Court did not consider the claims asserted by the Defendant in Counts II, III and IV.

Wherefore, the Defendant respectfully requests that pursuant to F.R.Civ.P. 59 that this Court grant a new trial.

Respectfully Submitted
On behalf of the Defendant,
Nathan Carman

/s/ David F. Anderson
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Dated: December 2, 2019

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the above date, I electronically filed the above pleading with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) to all counsel of record for all parties.

/s/David F. Anderson
David F. Anderson